

Remarks

Claims 1, 2, 5-8 and 10-14 were pending in this case. Claims 1, 2, 5-8 and 10-14 were rejected. Claim 1 was amended.

Claims 1, 2, 5-8 and 10-14 stand rejected under 35 USC 102(b) in view of WO 02/50017 (Paingankar). The Examiner maintained that the limitations presented in amended Claim 1 do not distinguish over Paingankar because mere selection of proportions and ranges is not patentable absent a showing of criticality. Applicants respectfully maintain Paingankar teaches away from the instant invention and that patentability has been established.

Claim 1 claims hydrogenation of a compound of formula III in the presence of, inter alia, from about 0.5 to about 1.5 equivalents of the compound of formula III of ammonia solution at about 10 C to about 20 C in the presence of a nickel or cobalt catalyst that has not been pretreated with an acid.

Applicants teach that by the addition of ammonia solution at appropriate temperatures, impurities are reduced. Paingankar teaches away from the current invention by teaching a preferred temperature range of 27-30C (1 example) or 60C (7 examples), teaching away from Applicants' temperature range.

Further, Applicants teach that catalyst pretreated with an acid result in impurities. See page 2 line 9 through page 3, line 3 of the instant specification. This improvement is not taught or suggested by Paingankar which teaches in each example the pretreatment of a catalyst with acid.

In view of the foregoing Applicants respectfully maintain that Claims 1, 2, 5-8 and 10-14 are in condition ready for allowance and respectfully request an early and favorable Notice of Allowance.



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